

## REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants and Applicants' representative thank Examiner Heincer of the U.S. Patent and Trademark Office for his time and consideration in participating in an interview with Applicants' representative on April 6, 2009. During the interview, Applicants' representative proposed amending independent claim 21 in a manner which further distinguishes such claim from the applied art. At the conclusion of the interview, the Examiner advised that "the proposed amendment appears to overcome the current rejection, [and] more consideration would be required by the amendment." See Interview Summary. In this regard, Applicants note that the Interview Summary accurately reflects the substance of the interview.

By the above amendments, the specification has been amended to correct a typographical error. Claims 22 and 35-39 have been canceled without prejudice or disclaimer. Claim 21 has been amended to recite that the crosslinking polysaccharide derivative contains at least one active ester group introduced in a polysaccharide side chain, and at least one hydroxyl group, wherein the active ester group of the crosslinking polysaccharide derivative is capable of reacting with the hydroxyl group of its own molecular chain or with a hydroxyl group of a second molecular chain, wherein the adhesion preventive material does not contain a crosslinking agent. Claim 21 has also been amended to recite forming an ester polymerization material crosslinked due to covalent binding of the active ester group of the crosslinking polysaccharide derivative and the hydroxyl group of its own

molecular chain or the hydroxyl group of the second molecular chain, when the adhesion preventive material is under an alkaline condition. Support for such amendments can be found in the instant specification at least at page 13, lines 2-19, taken in connection with page 32, lines 1-6.

Claim 23 has been amended in a manner consistent with the above amendments to claim 21. Claims 30-33 have been amended for readability purposes. Claim 33 has also been amended to recite that the pH adjuster is in a mixed state. Support for such amendment can be found in the instant specification at least at page 34, lines 19-23. Entry of the foregoing amendments is proper at least because a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

The specification stands objected to for the reasons set forth at page 2 of the Official Action. This objection is moot in view of the above amendments, wherein the specification has been amended to recite that "A carboxyl group and/or a carboxymethyl group may further be introduced into a natural polysaccharide containing a carboxylic acid group by itself, for example, the foregoing hyaluronic acid." Accordingly, withdrawal of this objection is respectfully requested.

Claims 33 and 34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is moot in view of the above amendments, in which claim 33 has been amended to recite that the pH adjuster is in a mixed state with the cross-linking polysaccharide derivative. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 21-29, 31, 32 and 35-39 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,630,457 (*Aeschlimann et al*). Claim 30

stands rejected under 35 U.S.C. §103(a) as being obvious over *Aeschlimann et al*, and further in view of International Publication No. WO 00/27886 (WO '886). Claims 33 and 34 stand rejected under 35 U.S.C. §103(a) as being obvious over *Aeschlimann et al*. Withdrawal of the above rejections is respectfully requested for at least the following reasons.

*Aeschlimann et al* does not disclose or suggest each feature recited in independent claim 21. For example, *Aeschlimann et al* does not disclose or suggest providing an adhesion preventive material comprising a crosslinking polysaccharide derivative containing at least one active ester group introduced in a polysaccharide side chain, and at least one hydroxyl group, wherein the active ester group of the crosslinking polysaccharide derivative is capable of reacting with the hydroxyl group of its own molecular chain or with a hydroxyl group of a second molecular chain, wherein the adhesion preventive material does not contain a crosslinking agent, and forming an ester polymerization material crosslinked due to covalent binding of the active ester group of the crosslinking polysaccharide derivative and the hydroxyl group of its own molecular chain or the hydroxyl group of the second molecular chain, when the adhesion preventive material is under an alkaline condition, as recited in claim 21. As noted during the interview, the "active ester-mediated crosslinking" reaction disclosed at column 16, lines 20-30 of *Aeschlimann et al* which has been relied on by the Patent Office, is not the same as or suggestive of the claimed recitation of forming an ester polymerization material crosslinked due to covalent binding of the active ester group of the crosslinking polysaccharide derivative and the hydroxyl group of its own molecular chain or the hydroxyl group of the second molecular chain, as is presently claimed.

*WO '886* fails to cure the above described deficiencies of *Aeschlimann et al.*

In this regard, the Patent Office has relied on *WO '886* for disclosing the use of carboxymethyldextran, carboxymethylcellulose or carboxymethyl starch. See Official Action at page 4. However, even if *Aeschlimann et al* and *WO '886* would have been combined in the manner proposed by the Patent Office, the resulting combination nevertheless fails to disclose or suggest forming an ester polymerization material crosslinked due to covalent binding of the active ester group of the crosslinking polysaccharide derivative and the hydroxyl group of its own molecular chain or the hydroxyl group of the second molecular chain, as recited in claim 21.

For at least the above reasons, independent claim 21 is neither anticipated by nor rendered obvious over the applied documents. Accordingly, withdrawal of the above rejections is respectfully requested.

Claims 21, 24, 25 and 32-34 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claim 26 of copending Application No. 12/178,030. Without addressing the propriety of this rejection, Applicants respectfully request that such rejection be held in abeyance until the present application is otherwise deemed to be in condition for allowance.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.


If there are any questions concerning this paper or the application in general,  
the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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